

Welcome to ...



the Texas General Land Office

Founded after the Texas Revolution, the Texas General Land Office is the oldest agency in the state. It is the only state agency that makes more than it spends. It is an agency which, on any given day, might be taking care of a World War II veteran in Big Spring, cleaning up an oil spill off the coast of South Texas, or studying Stephen F. Austin's original handwritten 1830 field notes. Whether helping to renourish a beach on Galveston Island, or monitoring wind data high in the mountains of West Texas, the General Land Office is here to serve the people of Texas.

Yet apart from its wide array of responsibilities, the General Land Office is remarkable because it is staffed by remarkable people: hardworking, dedicated individuals who understand our role in serving the public as stewards of our environmental and historical heritage, and by providing a significant revenue source for public education.

From oil spills to veterans, from schoolchildren to maps, the Texas General Land Office has something of interest for everyone. To learn more please visit us online at www.glo.state.tx.us.



TEXAS GENERAL LAND OFFICE

Jerry Patterson, Commissioner • P.O. Box 12873 • Austin, Texas 78711-2873

800.998.4GLO • glo.texas.gov



TEXAS *Farm & Ranch Lands* CONSERVATION PROGRAM



COMMONSENSE CONSERVATION
TEXASFARMANDRANCH.ORG
TEXAS GENERAL LAND OFFICE • JERRY PATTERSON, COMMISSIONER

Photos courtesy of Texas Parks and Wildlife Department, Scott Campbell and Andrew McClintock.

The Texas General Land Office does not discriminate on the basis of race, color, national origin, sex, sexual orientation, age or disability in employment or provision of services. To request special accommodations, call the Director of Human Resources/ADA Coordinator at 512.475.1390. To contact us by TDD call 512.463.6367 or through RELAY Texas at 1.800.735.2988, or mail your request to P.O. Box 12873, Austin, Texas 78711-2873.

FROM THE DESK OF COMMISSIONER JERRY PATTERSON



Texas is a land of great tradition, heritage and opportunity. It is a state founded by hardworking farmers and ranchers who — working their own land — carved out a future for their families. Generations later, many Texans take great pride in farming and ranching their own land. Their stewardship and love of the land allows them to pass their traditions and heritage down to the next generation.

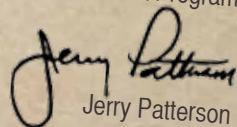
But changing economic pressures are forcing some of these Texas landowners to subdivide and develop their farm and ranch lands. The recognition of that fact led the Texas Legislature to create the Texas Farm and Ranch Lands Conservation Program to offer farmers and ranchers some protection.

Through this Program, the Texas General Land Office is now authorized to work with interested landowners and help them buy the future development rights for their farm and ranch lands. Simply put, the it allows landowners to be compensated for continuing to farm or ranch their family lands while forgoing any subdivision or development.

State Senator Mike Jackson of La Porte and State Representative Charlie Geren, of Fort Worth are to be commended for this thoughtful legislation. Blair Fitzsimmons, representing the American Farmland Trust, and David Langford of the Texas Wildlife Association also played a crucial role in the process.

The goal of the Texas Farm and Ranch Lands Conservation Program is a lofty one — preserving the legacy of private landowners farming and ranching as they see fit.

Landowners interested in learning more about the program can go to texasfarmandranch.org or call or e-mail Program Coordinator Scott Campbell at 512.463.5824 or scott.campbell@glo.texas.gov.


Jerry Patterson

Commissioner, Texas General Land Office

CONSERVATION IN TEXAS: FACTS AT A GLANCE

- Texas is home to over 142 million acres of private farms, ranches and forestlands, thus leading the nation in privately owned working lands.
- Privately owned land in Texas accounts for 84 percent of the state's entire land area and provides substantial economic, environmental and recreational resources to benefit the state's entire population.
- By 2007, small farms and ranches less than 100 acres in size accounted for over 50 percent of the state's total farm and ranch land, while occupying only 3 percent of the land area.
- Since 1997, the accumulated localized losses of native rangeland have exceeded 4.8 million acres. In addition, the statewide area in dry (non-irrigated) cropland has declined by 1.57 million acres.

In 2007, the average appraised market value of farms, ranches and forestlands in Texas was \$1,196 per acre. This represents a 140 percent increase in appraised market value over the 10-year period.

Information provided by "Texas Land Trends," a study by the Texas A&M Institute of Renewable Resources, funded by the American Farmland Trust.

ADVISORY COUNCIL

The Advisory Council helps the Texas Land Commissioner administer the Texas Farm and Ranch Lands Conservation Program and select grant recipients. The council consists of six members, appointed by the Governor, and four ex officio members. Program grants are awarded based on criteria set by the Council. Council members also seek funding for and help educate the public about the program. Daily operations are handled by a program coordinator, General Land Office staff members and volunteers.

APPOINTED MEMBERS

- **THOMAS R. KELSEY-HOUSTON**
of Counsel, Berie Lamberth, L.L.P.
- **NEAL WILKINS, PH.D.-COLLEGE STATION**
Director, Texas A&M Institute of Renewable Natural Resources
- **GLEN DAVID WEBB-ABILENE**
Associate, McMahon Law Firm
- **BOB MCCAN-VICTORIA**
General Manager, McFaddin Enterprises
- **DAN DIERSCHKE-AUSTIN**
Farmer, Rancher, active member of numerous agricultural organizations
- **MARK W. JONES-BRADY**
President, First State Bank of Menard

EX-OFFICIO MEMBERS

- **JERRY PATTERSON-AUSTIN**
Commissioner, Texas General Land Office
- **TODD STAPLES-AUSTIN**
Commissioner, Texas Department of Agriculture
- **CARTER SMITH-AUSTIN**
Executive Director, Texas Parks & Wildlife Department
- **DON GOHMERT-TEMPLE**
State Conservationist, USDA



DONATE LAND OR DOLLARS

The Texas Farm and Ranch Lands Conservation Program can be funded through federal grants, state appropriations and individual contributions. Contributions of land or money greatly enhance our ability to pay more landowners for conservation easements and to assist them with administrative costs.

HB 3632, passed during the 81st Regular Session of the Texas Legislature by Representative Charlie Geren and Senator Kip Averitt, allows the General Land Office to accept and sell land from individuals, with proceeds going to the Texas Farm and Ranch Lands Conservation Program fund. A property owner wishing to sell land to benefit this program should contact the land office and specify that proceeds from the sale be used for this purpose. Financial contributions greatly benefit the program's ability to help agriculture and protect Texas' remaining open space.

Texas is a big state, however, development is snapping up agricultural land at a rapid pace. Please help us protect Texas agricultural open space and natural resources.



FOR APPLICATION & INFORMATION

VISIT

TEXASFARMANDRANCH.ORG

OR CONTACT

SCOTT CAMPBELL
Program Coordinator
512.463.5824

scott.campbell@glo.texas.gov

TFRLCP

Texas General Land Office
P.O. BOX 12873
Austin, Texas 78711-2873

WHY PARTICIPATE?

One unintended consequence of the rapid growth and development in our state is the alarming rate of fragmentation of privately owned and open space land. From 1997 to 2007, over 2.1 million acres of Texas farms, ranches and forestlands were converted to non-agricultural uses.¹ This puts our natural resources in jeopardy and diminishes our state's ability to be competitive in agricultural production.

The prevailing sentiment among farmers and ranchers is that government programs seek to control private land. However, it is the mission of the Texas Farm and Ranch Lands Conservation Program to assist private landowners in protecting their land from development, and to keep it under private ownership and in agricultural production. The program is run by personnel with a deep affection for agriculture and is advised by a diverse council representing various aspects of the industry. It is the sincere hope of program organizers that future generations will enjoy a longstanding Texas tradition: to be good and productive stewards of the land.

¹From "Texas Land Trends," a study by researchers at the Texas A&M Institute of Renewable Natural Resources and the American Farmland Trust.



HOW IT WORKS

The Texas Farm and Ranch Lands Conservation Program is not a land trust.

The program was created to facilitate acquisitions of development rights on agricultural land. The General Land Office works to secure this funding through federal, state and private sources. When funds are available, a request for applications will be posted on the program website, **texasfarmandranch.org**.

Any owner of farm or ranch acreage in Texas may apply for funding. Applications are made through the partnership of a landowner and a land trust chosen by the landowner. Terms may be included in the easement to prohibit transfer to government ownership in the event that the land trust is unable to continue as the holder.



TO LEARN MORE OR TO PARTICIPATE

Contact an established land trust organization in your area or call
512.463.5824 or visit

TEXASFARMANDRANCH.ORG



FAQs

Anyone considering an agreement involving land holdings should consult an attorney and certified public accountant.

What are the basic elements of a conservation document?

A conservation easement document identifies a grantor (landowner) and a grantee (qualified land trust or government agency). It identifies a designated property and special features or qualities to be protected, as well as the grantor's purpose for creating the easement. The document details mutually agreed upon use restrictions and establishes a recipient organization that pledges to monitor and uphold these restrictions. Finally, the document contains a list of the landowner's reserved rights and typical provisions found in all deeds and conveyances.

Why do landowners get conservation easements?

Landowners acquire conservation easements to protect land from inappropriate development. A conservation easement (because it conveys with the title) assures a landowner that resource values of a property will be protected forever, no matter who owns it. These agreements may also provide donors important tax benefits and secure desired estate planning objectives.

What rights do landowners give up?

Conservation easements are individually tailored to meet specific desires of a landowner and to protect distinctive values identified on each property. As a general statement, these agreements restrict development of residential subdivisions, limit non-agricultural commercial activities, prohibit surface mining, and prevent other stated uses that would jeopardize a property's particular conservation values. Owners may desire to place other restrictions or use limitations on land, such as disallowing billboards, hunting, construction of paved roads, etc. A list of conditions in an easement document reflects mutually agreed upon stipulations between landowner and land trust.



⌘ LANDOWNER ⌘ BENEFITS

- **Pass undeveloped, productive land to future generations.**
- **Gain cash and tax advantages to provide immediate financial benefits.**
- **Land remains under family ownership and in agricultural production.**
- **Natural resources are preserved and protected.**



What rights do landowners retain?

Landowners retain the title to their property and only specific rights they choose to donate are transferred to the trust. Although some landowners may grant limited public access, most reserve the right to regulate public use. Owners may still construct buildings and fences, make necessary improvements, and undertake habitat restoration projects as long as these conditions are stipulated in a legal document. Owners may sell, gift, transfer or mortgage parcels, harvest trees, farm, occupy, use, and shape management objectives for a property in any way that is compatible with terms of a conservation agreement.

What responsibilities do participating land trusts assume?

A land trust assumes the right to preserve and protect property values identified in the terms of an easement. To perform this duty, a land trust may, with proper advance notification, enter a property to monitor conditions. If violations of an agreement occur, a land trust as a final resort has a legal right to "enjoin and restore." This power ensures that a landowner's desire, as originally spelled out in an easement, will be enforced. Mutual respect and shared objectives usually lead to resolution of misunderstandings without legal action.

Who establishes a conservation easement's dollar value?

An appraisal will determine property value before and after encumbrance of a conservation easement. The landowner may be eligible for certain tax deductions. Tax issues should be discussed with legal advisors and certified public accountants familiar with the conservation easement process. Appraisals should be done with care by a certified appraiser who is familiar with conservation easements, with local and real estate conditions, and with the particular type of land use in question.

What happens after a conservation easement is in place?

After signing an easement, the land trust and landowner begin a working partnership to assure intended conservation objectives become reality. Landowners continue to make their own property

management decisions. An easement limits only those activities specified in the agreement.

Can a conservation easement be changed?

Only in rare circumstances will changes to an easement occur. An amendment to a conservation easement must be consistent with terms and conservation intent of an original agreement and must receive written approval from a current land owner and land trust.

How are terms of an easement enforced?

In addition to monitoring, a land trust will prevent future easement violations by orienting new landowners to provisions and processes of a prevailing easement. If provisions of an easement are violated, land trust representatives typically contact a landowner and seek voluntary actions to achieve compliance. This rarely occurs with original grantors. As time passes and ownership changes, however, the possibility of violation increases. In rare circumstances, when voluntary resolution fails, Texas law provides for injunctive relief at a landowner's expense.

Special thanks to the Palmer Foundation, a Colorado-based land trust, and the Hill Country Conservancy, a Texas-based land trust, for providing assistance in preparing this FAQ.

